UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

- x

UNITED STATES OF AMERICA

- v. -

GERSAIN VIAFARA-MINA,
a/k/a "Joel,"
a/k/a "El Negro,"

Defendant.

- x

SUPERSEDING INDICTMENT

S6 11 Cr. 793 (ALC)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: ______
DATE FILED: 3-3-15

COUNT ONE

The Grand Jury charges:

1. From at least in or about 2010, up to and including in or about February 2015, in Colombia and elsewhere, and in an offense begun outside of the jurisdiction of any particular State or district of the United States, GERSAIN VIAFARA-MINA, a/k/a "Joel," a/k/a "El Negro," the defendant, who will be first brought to and arrested in the Southern District of New York and whose point of entry into the United States will be in the Southern District of New York, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that GERSAIN VIAFARA-MINA, a/k/a "Joel," a/k/a "El Negro," the

defendant, and others known and unknown, would and did possess with the intent to distribute a controlled substance on board an aircraft owned by a United States citizen and registered in the United States, in violation of Title 21, United States Code, Sections 812, 959(b), and 960(a)(3).

3. The controlled substance that GERSAIN VIAFARA-MINA, a/k/a "Joel," a/k/a "El Negro," the defendant, conspired to possess with the intent to distribute on board an aircraft owned by a United States citizen and registered in the United States was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of isomers, in violation of Title 21, United States Code, Section 960(b)(1)(B).

(Title 21, United States Code, Sections 959(c) & 963; and Title 18, United States Code, Section 3238.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense charged in Count One of this Superseding Indictment, GERSAIN VIAFARA-MINA, a/k/a "Joel," a/k/a "El Negro," the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the offense and any and all property used or intended to be used in

any manner or part to commit and to facilitate the commission of the offense charged in Count One of this Superseding Indictment.

Substitute Assets Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of GERSAIN VIAFARA-MINA, a/k/a "Joel," a/k/a "El Negro," the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty, it is the intent of the United States, pursuant to Title 21, United States Code, Sections 853(p) and 970, to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853 & 970.)

FOREPERSON

PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

GERSAIN VIAFARA-MINA,
a/k/a "Joel,"
a/k/a "El Negro,"

Defendant.

SUPERSEDING INDICTMENT

S6 11 Cr. 793 (ALC)

(21 U.S.C. §§ 959(c) & 963; and
18 U.S.C. § 3238.)

PREET BHARARA
United States Attorney.

A TRUE BILL

Foreperson.